

October 15th, 2008

Brian Gustafson, Administrator
Air Quality Program
Department of Environmental and Natural Resources
523 East Capitol, Joe Foss Building
Pierre, SD 57501

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Dear Mr. Gustafson:

The recent approval by the DENR of Hyperion's air quality permit is extremely disheartening since it did not adequately address the questions and concerns that I have. My main concern is that no independent Environmental Impact Statement was required even though the South Dakota Environmental Policy Act calls for this on large scale projects. If this type of project does not meet the threshold for an EIS, what type of project would? Governor Rounds has stated that no corners would be cut for Hyperion, however, by not requiring an independent EIS to be paid for by Hyperion, the DENR has cut the biggest corner imaginable for Hyperion.

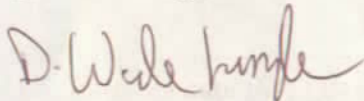
My second concern is that Hyperion is not using LAER technology in regards to pollution control. Again, Governor Rounds has stated that no corners would be cut, but by allowing BACT control measures instead of LAER, another corner has been cut.

The third concern that I have is that this project will use a disproportionate share of our clean air that it will either hinder or not allow other types of industry from locating in Union County. By putting all of our eggs into one basket with this lone air permit, we may do more harm to our community by limiting future growth.

My final concern is that Hyperion has yet to publicly state that they are indeed coming to build a refinery in South Dakota. Without this assurance, the DENR should not be spending tax dollars on a project that may never materialize. If Hyperion does not choose South Dakota, are they willing to reimburse the DENR for their work that has been done on this air permit process?

I urge you to deny Hyperion's air permit request until these concerns are addressed.

D. Wade Langle



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